

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
Albany Division**

MATTHEW AVITABILE)

Plaintiff,)

v.)

) Civil Action No. 1:16-cv-1447 (DNH/CFH)

LT. COL. GEORGE BEACH, in his)
Official capacity as Superintendent of the)
New York State Police)

Defendant.)
_____)

NOTICE OF SETTLEMENT AND STIPULATION

Whereas no party hereto is an infant or incompetent person for whom a committee has been appointed, George Beach, in his Official Capacity as Superintendent of the New York State Police ("Defendant"), and Matthew Avitabile ("Plaintiff") (collectively "the Parties"), by and through their respective counsel, hereby stipulate and agree as follows:

1. The Parties do hereby agree to settle and compromise the payment of costs and attorneys' fees under the terms and conditions set forth herein.

2 Defendant shall pay a lump sum of One Hundred Eight Thousand, Two Hundred Eighteen Dollars and Seventeen Cents (\$108,218.17) in total attorneys' fees and costs in this matter in complete satisfaction of any and all claims of attorneys' fees, expenses, costs, interest, and any other sums related to this litigation. Payment of such attorneys' fees and costs will be made by two checks, one to each of Plaintiff's attorneys. Stephen D. Stamboulieh shall receive

a check in the amount of \$59,309.42, and Alan Alexander Beck shall receive a check in the amount of \$48,908.75.

3. Payment by Defendant of the total amount specified in paragraph 2 is conditioned on the approval of all appropriate state officials in accordance with the provisions under section 17 of the New York Public Officers Law.

4. Payment of the amount referenced in paragraph 2 will be made within one hundred and twenty (120) days after the approval of this stipulation by the Court and receipt by Defendant's counsel of a copy of the "so ordered" stipulation.

5. In the event that the terms of paragraph 3 are satisfied, but payment is not made within the 120 day period set forth in paragraph 4, interest shall begin to accrue on the outstanding principal balance at the federal statutory rate on the one hundred and twenty-first day after the Court's approval.

6. This Notice of Settlement and Stipulation shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

7. This Court may retain jurisdiction for the sole purpose of enforcing this Settlement and Stipulation.

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Dated: April 27, 2019.

Respectfully submitted,



Stephen D. Stamboulieh

Stamboulieh Law, PLLC

P.O. Box 4008

Madison, MS 39130

(601) 852-3440

stephen@sdslaw.us

MS Bar No. 102784

NDNY Bar Roll# 520383



Alan Alexander Beck

Law Office of Alan Beck

2692 Harcourt Drive

San Diego, CA 92123

(619) 905-9105

Alan.alexander.beck@gmail.com

*Admitted *pro hac vice*

Attorneys for Plaintiff



MICHAEL G. McCARTIN

Assistant Attorney General, of Counsel

Office of the Attorney General

The Capitol

Albany, NY 12224-0341

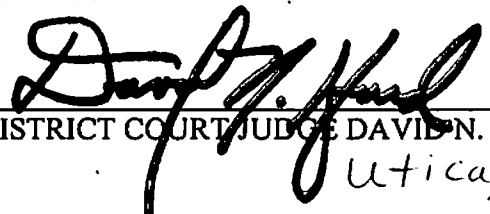
Telephone: (518) 776-2620

Fax: (518) 915-7738

Email: michael.mccartin@ag.ny.gov

Attorney for Defendant

SO ORDERED, THIS THE 26 DAY OF APRIL 2019.



U.S. DISTRICT COURT JUDGE DAVID N. HURD
Utica, NY